

**UNITED STATES OF AMERICA
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,
Plaintiff,

NO. CR 05-30023-MAP

v.

WALTER T. MAY
Defendant.

_____/

Mitchell H. Nelson (P22825)
IMHOFF & ASSOCIATES, PC
398 Kent Way
White Lake, MI 48383
(248) 461-6777

_____ /

MOTION TO SUPPRESS EVIDENCE

PLEASE TAKE NOTICE, that upon the annexed affidavit of Walter T. May, on the indictment found against the Defendant, and upon all the proceedings herein, a motion will be made pursuant to Rule 41(e) of the Federal Rules of Criminal Procedure, at a Criminal Term of this Court, at the United States Courthouse, Room of Judge Michael Ponsor on Thursday, May 10, 2007 at 1:00 pm or as soon thereafter as counsel can be heard, for an order suppressing and prohibiting the use of any conversations or statements made by the Defendant while he was illegally detained in custody subsequent to his arrest in Sri Lanka but prior to his being brought before a United States Magistrate and while he was unlawfully deprived of his constitutional right to counsel and at a time when he had not been advised of his constitutional rights, be similarly ordered suppressed, and for such other and further relief as to the Court may seem just and proper.

Dated: March 27, 2007

/s/ Mitchell H. Nelson
Mitchell H. Nelson
IMHOFF & ASSOCIATES, PC
398 Kent Way
White Lake, MI 48383
(248) 461-6777
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March 2007 a true and correct copy of the foregoing Motion and Affidavit in Support thereof were sent through ECF to the below listed individual.

/s/ Mitchell H. Nelson
Mitchell H. Nelson

Todd E. Newhouse
Assistant United States Attorney

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**AFFIDAVIT OF WALTER T. MAY IN SUUPORT OF MOTION TO SUPPRESS
EVIDENCE**

I, Walter T. May depose and say:

1. I am the Defendant in the above-entitled cause and I was arrested by agents of the Sri Lankan government on May 1, 2004.
2. My inhumane interrogation by these authorities began the next day for a seven-hour period with threats of physical violence to my person coupled with promises that anything I told them *would not be used against me in their court system.*

3. Under this pressure I relented and made what the interrogator Mr. Silva characterized as a "Comprehensive statement", since I felt it was the only way to continue without being beaten.
4. After my "Comprehensive Statement" my custody was then transferred to the Colombo Remand Prison a deplorably outdated facility that had been built in 1841 and conditions for me there included:
 - A. Sleeping on the floor with 100 other men on our sides shoulder to shoulder
 - B. Then sharing "G" cell a room 8 feet by 5 1/2 with three other prisoners.
 - C. There were no toilet facilities or bed material provided in "G" cell only a bucket to urinate in.
 - D. No clothing was provided to any of the prisoners only a plastic mat to sit on that was unusable because of the heat of the climate.
 - E. The food that was provided the prisoners was continually covered with black flies and I lost 40 pounds during my detention.
 - F. I was never allowed to sit on a bench or chair of any type.
 - G. The guards of the facility exhibited cruelty and abuse to the inmates including severe beatings without any provocation.
 - H. I was admitted to the equally outdated prison hospital in severe intestinal distress and excruciating pain on several occasions but neither appropriate medication nor treatment was provided to me.

- I. There was no sterile equipment used in this “hospital facility”.
 - J. I suffered from “Trigeminal Neuralgia” and was constantly tormented by severe pain on the right side of my face without any necessary medication.
5. Prior to my interrogation the jailer Duminda had me witness the “scoring “ of another prisoner. The man was whipped thirty times on his back, legs, arms, and hands producing deep gashes in his bloody torso.
 6. After the scourged prisoner was carried by other prisoners to the “surgical ward” this same Duminda told me that if I did not speak to the Sri Lankan Police and the person from the United States I too would receive the same whipping as the other inmate had.
 7. During the course of my incarceration I requested that the U.S. embassy provide assistance to me on several matters regarding my arrest, detention, personal health and property. No action was taken by the U.S. embassy on any of these requests.
 8. All these factors in the five months of my incarceration in Sri Lanka and the stress engendered thereby caused me to make statements that I felt my tormentors wanted to hear, so that I could survive the ordeal.

Sworn under the pains and penalties of perjury this 26th day of March 2007.

/s/ Walter T. May

Notarized By: /s/ Gerald Clayton Gaudette, Jr.
Notary Public Commonwealth of Massachusetts
My Commission Expires: December 29, 2011